

Application No. 10/805,619
Response to Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: THE ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 8 and 16 is respectfully acknowledged.

New independent claim 28 has been prepared to recite the subject matter of allowable claim 8 rewritten in independent form, and new claims 29-33 have been prepared to recite the subject matter of claims 3-7 depending from new claim 28.

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully requested that new claims 28-33 be approved and entered, and it is respectfully submitted that new independent claim 28 and claims 29-33 depending therefrom are in condition for immediate allowance.

RE: THE CLAIM AMENDMENTS

Claim 1 has been amended to clarify that the air conditioning unit as a whole is provided at a front portion of a right side in the cab. See, for example, Figs. 2 and 3.

In addition, claim 10 has been amended to be rewritten in independent form.

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Still further, claims 1-8 and 10-16 have been amended to correct some minor informalities of which the undersigned has become aware, including some minor grammatical and antecedent basis problems so as to put them in better form for issuance in a U.S. patent.

New independent claim 17, moreover, has been prepared to recite the features of the present invention whereby the air-conditioning apparatus comprises an air-conditioning unit mounted to a right wall of the cab at a front portion thereof; an internal cover that covers the air-conditioning unit in an interior of the cab; and an outside air duct through which air is introduced from outside of the cab through the right wall. See, for example, Fig. 5.

New claims 18-23 depending from new claim 17 have been prepared based on the subject matter of claims 2-4 and 6-8, respectively.

And new claims 24-27 depending from new claim 17 have been prepared to recite additional features of the air-conditioning apparatus of the present invention. See, for example, Fig. 4 and the disclosure in the specification at page 11, lines 8-16 and page 12, lines 6-12 with respect to new claims 24 and 25; see, for example, Fig. 7 and the disclosure in the specification at page 14, lines 7-10 with respect to new claim 26; and see, for

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example, Figs. 10 and 11 and the disclosure in the specification at page 16, lines 3-16 with respect to new claim 27.

No new matter has been added, and it is respectfully requested that the amendments to claims 1-8 and 10-16 and the addition of new claims 17-27 be approved and entered.

CLAIM FEE

The application was originally filed with 16 claims of which 2 were independent, and the appropriate claim fee was paid for such claims. The application now contains 32 claims, of which 4 are independent. Accordingly, a claim fee in the amount of \$800 for the addition of 1 extra independent claim and 12 extra claims in total is attached hereto. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

RE: THE PRIOR ART REJECTION

Claims 1-3, 5-7, 9-11 and 13-15 were rejected under 35 USC 102 as being anticipated by USP 6,126,539 ("Miller et al"), and claims 4 and 12 were rejected under 35 USC 103 as being obvious in view of the combination of Miller et al and USP 5,826,440 ("Okada et al"). These rejections, however, are respectfully traversed with respect to the claims set forth hereinabove.

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As recognized by the Examiner, Miller et al discloses a heater/blower unit 20 that is provided at the right side of the cab 10.

It is respectfully pointed out, however, that according to Miller et al the heater/blower unit is secured to the floor of the cab, to the side and rear of the operator's seat 11. And it is respectfully submitted that according to Miller et al, the heater/blower unit 20 is fully contained within the cab 10, and does not extend through or form part of the wall of the cab in any way.

According to the present invention as recited in amended independent claim 1, on the other hand, an air conditioning apparatus is provided which comprises an air-conditioning unit which cools air and is placed as a whole at a front portion of a right side in the cab. By contrast, as explained above, Miller et al discloses that the heater/blower unit 20 is secured to the rear of the operator's seat 11.

In addition, according to the present invention as recited in amended independent claim 10, an air conditioning apparatus is provided which comprises an air-conditioning unit which is mounted to a front portion of a right side wall of the cab so as to form a part of said right side wall, including a surface thereof. By contrast, as explained above, according to Miller et al, the heater/blower unit is provided adjacent to the wall of

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the cab and secured to the floor of the cab, and clearly does not include any components that form a part of the wall of the cab.

Still further, according to the present invention as recited in new independent 17, an air conditioning apparatus is provided which comprises an air-conditioning unit mounted to a right wall of the cab at a front portion thereof; an internal cover that covers the air-conditioning unit in an interior of the cab; and an outside air duct through which air is introduced from outside of the cab through the right wall. By contrast, as explained above, the heater/blower unit 20 of Miller et al clearly does not include any components that form a part of or extend through the wall of the cab.

Okada et al, moreover, has merely been cited for the disclosure of pipes exposed to the outside.

In view of the foregoing, it is respectfully submitted that each of amended independent claims 1 and 10 and new independent claim 17, as well as claims 2-8, 11-16 and 18-27 respectively depending therefrom, all clearly patentably distinguish over Miller et al, taken singly or in combination with Okada et al, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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